

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**THE FRESH GROUP LTD.,
Plaintiff,**

v.

Case No. 15-C-1133

**LIFE JUICE GLOBAL LLC, PETER
SCHULICK, ETY SALOMONE
Defendants.**

DECISION AND ORDER

The plaintiff filed a lawsuit against three defendants in this court. On January 26, 2016, the plaintiff filed a motion for a default judgment against all three defendants. The Clerk of Court has entered the default of each defendant. However, after it filed the motion for a default judgment, the plaintiff learned that one of the defendants, Ety Salomone, had filed for bankruptcy on November 6, 2015. The automatic stay thus prevents the plaintiff from pursuing a default judgment against Ms. Salomone. See 11 U.S.C. § 362(a).

In the letter in which the plaintiff notified me that Ms. Salomone has filed for bankruptcy, it states that Ms. Salomone's bankruptcy filing has no effect on the plaintiff's motion and entitlement to default judgment against the remaining defendants in this case. However, "[i]n a suit against multiple defendants a default judgment should not be entered against one until the matter has been resolved as to all." Home Ins. Co. v. Adco Oil Co., 154 F.3d 739, 741 (7th Cir. 1998). Here, the suit as to Salomone cannot be resolved until the automatic stay is lifted. Thus, it would seem that, under the rule stated in Home Insurance Co., I cannot now grant the plaintiff's motion for a default judgment against the other defendants.

For this reason, I will deny the plaintiff's motion for a default judgment against all three defendants without prejudice. If the plaintiff believes that it is entitled to an immediate default judgment against the defendants who have not filed for bankruptcy, it may file a new motion for a default judgment against those two defendants and submit a brief in which it explains why the rule stated in Home Insurance Co. does not apply to this case. Any such motion shall be filed no later than February 19, 2016. If the plaintiff does not file a new motion for a default judgment by that date, I will assume that this case in its entirety must be put on hold until the automatic stay is lifted.

Accordingly, **IT IS ORDERED** that the plaintiff's motion for a default judgment is **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that unless the plaintiff files a new motion for a default judgment by **February 19, 2016**, this case shall be closed for administrative purposes only until such time as the parties notify me that the automatic stay has been lifted.

Dated at Milwaukee, Wisconsin this 3rd day of February, 2016.

s/ Lynn Adelman

LYNN ADELMAN
District Judge